

AG:KC
F# 2001R02402

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in Chambers of
U.S.D.J. Gershon

JAN 07 2005

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

- against -

ELSON WARREN, also known as
"L" and "10 Percent,"
DAVID JONES, also known as
"Smiz,"
JOSEPH BAKER, also known as
"Sincere" and "Sin,"
SIMATA CORNELIUS, also known as
"B.O.,"
DARNELL MILLIN, also known as
"Scat" and "James Fuller,"
JALIK WILSON, also known as
"Breeze,"
STEVEN RIVERA, also known as
"Roach,"
ANTHONY BAKER, also known as
"Tone,"
STEVEN SCIPPIO, also known as
"Burns," and
KEERON GODDARD, also known as
"Von,"

Cr. No. 04-354 (S-1) (NG)
(T. 21, U.S.C., §§
841(b)(1)(A)(iii),
846, 848(a) and
848(c); T. 18, U.S.C.,
§§ 924(c)(1)(A)(i),
924(c)(1)(A)(ii),
924(c)(1)(A)(iii),
2 and 3551 et seq.)

Defendants.

-----X

THE GRAND JURY CHARGES:

COUNT ONE

1. In or about and between January 1998 and April 2004, both dates being approximate and inclusive, within the Eastern District of New York, the Southern District of West Virginia, and elsewhere, the defendants ELSON WARREN, also known as "L" and "10 Percent," DAVID JONES, also known as "Smiz," JOSEPH BAKER, also known as "Sincere" and "Sin," SIMATA

CORNELIUS, also known as "B.O.," DARNELL MILLIN, also known as "Scat" and "James Fuller," JALIK WILSON, also known as "Breeze," STEVEN RIVERA, also known as "Roach," ANTHONY BAKER, also known as "Tone," STEVEN SCIPPIO, also known as "Burns," and KEERON GODDARD, also known as "Von," together with others, did knowingly and intentionally conspire to distribute and to possess with intent to distribute a controlled substance, which offense involved 50 grams or more of a substance containing cocaine base, a Schedule II controlled substance, in violation of Section 841(a)(1) of Title 21 of the United States Code.

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(iii); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

2. In or about and between January 1998 and April 2004, both dates being approximate and inclusive, within the Eastern District of New York, the Southern District of West Virginia, and elsewhere, the defendants ELSON WARREN, also known as "L" and "10 Percent," and DAVID JONES, also known as "Smiz," together with others, did knowingly and intentionally engage in a continuing criminal enterprise, in that they each committed felony violations of Title 21, United States Code, Sections 841(a)(1) and 846, which violations were part of a continuing series of violations of those statutes undertaken by the defendants ELSON WARREN and DAVID JONES, in concert with five or more other persons with respect to whom ELSON WARREN and DAVID

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JONES occupied positions of organizer, supervisor and manager, and from which continuing series of violations the defendants ELSON WARREN and DAVID JONES obtained substantial income and resources.

(Title 21, United States Code, Sections 848(a) and 848(c); Title 18, United States Code, Sections 3551 et seq..)

COUNT THREE

3. In or about and between January 1998 and April 2004, both dates being approximate and inclusive, within the Eastern District of New York, the Southern District of West Virginia, and elsewhere, the defendants ELSON WARREN, also known as "L" and "10 Percent," DAVID JONES, also known as "Smiz," JOSEPH BAKER, also known as "Sincere" and "Sin," DARNELL MILLIN, also known as "Scat" and "James Fuller," SIMATA CORNELIUS, also known as "B.O.," ANTHONY BAKER, also known as "Tone," and STEVEN RIVERA, also known as "Roach," did knowingly and intentionally use and carry firearms during and in relation to a drug trafficking crime, to wit, the crime charged in Count One, and did knowingly and intentionally possess firearms in furtherance of said drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 2 and 3551 et seq..)

ADDITIONAL ALLEGATIONS REGARDING COUNT ONE

4. The allegations contained in Count One are hereby realleged and incorporated as if fully set forth in this

paragraph, and the additional allegations below are incorporated by reference in Count One.

5. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendants ELSON WARREN, also known as "L" and "10 Percent," DAVID JONES, also known as "Smiz," JOSEPH BAKER, also known as "Sincere" and "Sin," SIMATA CORNELIUS, also known as "B.O.," DARNELL MILLIN, also known as "Scat" and "James Fuller," JALIK WILSON, also known as "Breeze," STEVEN RIVERA, also known as "Roach," ANTHONY BAKER, also known as "Tone," STEVEN SCIPPIO, also known as "Burns," and KEERON GODDARD, also known as "Von," and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendants in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The offense involved 1.5 kilograms or more of cocaine base (U.S.S.G. § 2D1.1(c)(1)).

b. The offense involved the possession of a dangerous weapon (U.S.S.G. § 2D1.1(b)(1)).

6. The defendants ELSON WARREN, also known as "L" and "10 Percent," and DAVID JONES, also known as "Smiz," were organizers and leaders of criminal activity that involved five or

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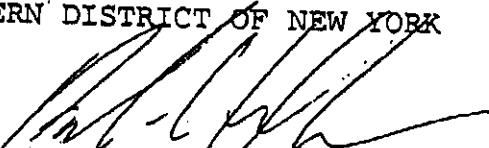
more participants and was otherwise extensive (U.S.S.G. § 3B1.1(a)).

7. The defendants JOSEPH BAKER, also known as "Sincere" and "Sin," STEVEN RIVERA, also known as "Roach," SIMATA CORNELIUS, also known as "B.O.," DARNELL MILLIN, also known as "Scat" and "James Fuller," STEVEN SCIPPIO, also known as "Burns," and JALIK WILSON, also known as "Breeze," were managers and supervisors of criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(b)).

A TRUE BILL

FOREPERSON

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.138

AG:KC
F# 2001R02402
FORM DBD-34

JUN 85

No.

UNITED STATES DISTRICT COURT
EASTERN District of NEW YORK

Division

THE UNITED STATES OF AMERICA

vs.
JOSEPH BAKER, also known as "L" and "10 Percent," DAVID JONES, also known as "Smiz,"
DARNELL MILLIN, also known as "Scat" and "James Fuller," JALIK WILSON, also known as
"Breeze," STEVEN RIVERA, also known as "Roach," ANTHONY BAKER, also known as
"Tone," STEVEN SCIPPIO, also known as "Burns," and KEERON GODDARD, also known as "Von,"

Defendants.

S U P E R S E D I N G I N D I C T M E N T

T. 21 U.S.C., §§ 841(b)(1)(A)(iii), 846, 848(a) and 848(c);
T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii),
2 and 3551 et seq.)

A true bill.

Foreman

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____